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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Attorney Docket No: Q78175

Davide DROCCO

Appln. No.: 10/720,139

Group Art Unit: 1723

Confirmation No.: 4318

Examiner: Not yet assigned

Filed: November 25, 2003

For: A KNEADING MACHINE FOR FOOD DOUGHS, PARTICULARLY FOR BAKERY PRODUCTS

**PETITION RE ALLEGED OMITTED ITEMS IN RESPONSE TO THE NOTICE OF
OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

MAIL STOP PGPUB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In the "Notice of Omitted Items in a Nonprovisional application Filed Under 37 C.F.R. § 1.53(b)", mailed March 23, 2004, it was stated that page 1 of the specification "description and claims" was omitted from the above identified non-provisional application papers. It is submitted that page 1 of the specification was submitted with the application papers and a copy of the date stamped filing receipt is submitted herewith which proves that page 1 was submitted. The filing receipt which bears the Patent and Trademark Office stamp of November 25, 2003 clearly states that 18 pages of the specification, abstract and claims was submitted including the 14 claims. The specification is found on pages 1-14, the claims are found on pages 15-17 and the abstract is found on page 18. A copy of page 1 of the specification is submitted herewith for inclusion in the application in the event the Patent Office fails to find the missing page which

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Petition Re Alleged Omitted Items in Response to the Notice of Omitted Item(s) in a
Nonprovisional Application
USSN 10/720,139
Attorney Docket Q78175
May 20, 2004

was timely submitted. Also attached is a copy of the Notice of Omitted Item(s) in a
Nonprovisional Application.

The Patent Office is authorized to charge the petition fee of \$130.00 to Deposit Account
19-4880. In view of the fact that the missing item (page 1 of the specification) was received by
the U.S. Patent and Trademark Office for the reasons set forth above, it is requested that the
petition fee be refunded.

Consideration of the attached is respectfully requested.

Respectfully submitted,



Robert V. Sloan
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 20, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1430
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/720,139	11/25/2003	Davide Drocco	Q78175

CONFIRMATION NO. 4318

FORMALITIES LETTER



OC000000012103742

23373
 SUGHRUE MION, PLLC
 2100 PENNSYLVANIA AVENUE, N.W.
 SUITE 800
 WASHINGTON, DC 20037

Date Mailed: 03/23/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 1 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

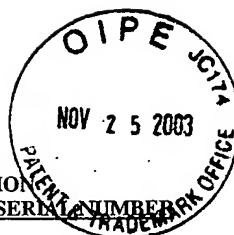
Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



NEW U.S. PATENT APPLICATION
REQUEST FOR EARLY NOTIFICATION OF SERIAL NUMBER

Inventor: Davide DROCCO

Title: A KNEADING MACHINE FOR FOOD DOUGHS,
PARTICULARLY FOR BAKERY PRODUCTS

Atty Doc. #: Q78175 Client: BUZZI, NOTARO & ANTONIELLI
D'OULX

Filing Date: November 25, 2003 # Pgs. Spec/Abst: 18 #Claims: 14

Dwg. Sheets: 11 Decl yes Prelim Amdt no

IDS/Prior Art: yes w/PTO Form SB/08/A&B Pr Doc: yes

Asgmt: yes w/PTO Form 1595

Fee: \$770.00 PTO check no. 233562 \$40.00 PTO check no. 233572
2 Checks Attached ☐ Charge to Deposit # 19-4880 Atty/Sec: RVS/yst

SERIAL NO.:

CONF NO.:



**"A kneading machine for food doughs, particularly for
bakery products"**

BACKGROUND OF THE INVENTION

5 The present invention relates to kneading machines for
food doughs, particularly for bakery products, of the
type comprising a substantially cylindrical tank and a
pair of kneading implements turning within the tank, with
concordant directions of rotation, about two axes that
are substantially parallel to the axis of the tank and
10 are set at a distance from the axis of the tank, so as to
describe two theoretical cylinders that are substantially
tangential both with respect to one another, and with
respect to the circumferential wall of the tank.

15 A kneading machine of the type indicated above is
described and illustrated in the European patent EP OR
354 190 B1 and in the corresponding U.S. patent US 4 919
539 in the name of the present applicant. In said
machine, the two kneading implements are in the form of
helical spirals that wind about a theoretical cylindrical
20 surface through an angle considerably greater than 180°
and in a typical case even greater than 360° , which
corresponds to a situation in which the axial dimension
of the kneading implement is close to the value of the
pitch of the helical spiral.

25 Even though the aforesaid known machine has already
represented a substantial improvement over more
traditional machines, which use a single spiral kneading
implement, the present applicant has in any case
proceeded with studies and tests aimed at providing a
30 kneading machine, which will be optimal both from the
point of view of the quality of the mix obtained and from
the point of view of the productivity of the machine, as
well as from the point of view of a simplification in
design and reduction in the costs for fabrication of the
35 machine itself. In particular, the aim has been to